

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENT RAYMOND PLATTER,

Defendant.

No. 06-CR-2012-LRR

ORDER

The matter before the court is the government's Motion to Correct the Court's June 15, 2006, Order ("Motion") (docket no. 62).

The Indictment charged Defendant with being a felon in possession of a firearm (Count 3) and being an unlawful user of a controlled substance in possession of a firearm (Count 4). In light of the decision in *United States v. Richardson*, 439 F.3d 421 (8th Cir. 2006), Counts 3 and 4 were merged into one count for trial, Count 3, with two alternatives—charging Defendant with being a felon and/or an unlawful user of a controlled substance in possession of a firearm. On June 14, 2006, the jury found Defendant guilty of the charge under both alternatives.

On June 15, 2006, the court entered an order accepting the jury's verdict finding Defendant guilty of being a felon and an illegal user of controlled substances in possession of a firearm as charged in "Count 1" of the Indictment. In its Motion, the government requests the court modify its June 15, 2006 Order to reflect that Defendant was found guilty of Count 3, rather than Count 1. The government's Motion is **GRANTED**.

IT IS SO ORDERED.

DATED this 31st day of October, 2006.

A handwritten signature in black ink, appearing to read "Linda R. Reade", is written over a horizontal line.

LINDA R. READE
JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA